

on the teachings of Kopacko et al. which teaches the use of a forehead support including a generally trapezoidal base plate 58 and an elongated forehead cushion 56. See Figure 1B. Therefore, Kopacko et al. does not teach or suggest the subject matter of claim 36, which recites, *inter alia*, a forehead pad comprising a base portion, wherein the base portion defines a first surface and a second generally trapezoidal surface opposite the first surface to face a user's forehead. Base plate 58 is not a forehead pad that includes a generally trapezoidal surface. Rather, the only pad in Kopacko et al. is pad 56, which does not have a generally trapezoidal surface. Furthermore, in regard to independent claim 37, Kopacko et al. does not teach or suggest that each pad comprises a generally trapezoidal base portion. Again, Kopacko et al. discloses a pad 36 that does not have a generally trapezoidal base portion. In regard to independent claim 65, Kopacko et al. does not teach or suggest a forehead comprising a base portion, a first surface and a generally trapezoidal second surface. The pad 56 in Kopacko et al. does not include a generally trapezoidal second surface to face a user's forehead.

Moreover, the Examiner's suggestion to combine Long and Kopacko et al. would result in either 1) the round pad of Lang with the trapezoidal plate 58 of Kopacko et al. or 2) the elongated pad 56 of Kopacko et al. with the holder 1 of Lang. Neither option results in a pad with a trapezoidal surface or base portion.

Reconsideration and withdrawal of the rejection are respectfully requested.

In the event that the next Office Action is not a Notice of Allowance, Applicants respectfully submit that the Office Action should be non-final. In particular, in the Response to Arguments section, Applicants note with appreciation that the previous rejection of claims 36-42 and 65-67 was withdrawn. This rejection was based on Lang alone, and Applicants' representative submitted a Request for Reconsideration which the Examiner apparently found

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convincing and therefore applied a new rejection (Lang in view of Kopacko et al.). However,  
amendment after final rejection

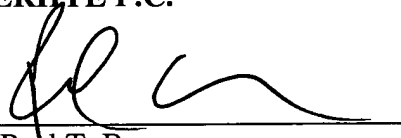
In view of the above amendments and remarks, Applicants respectfully submit that all the  
claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in  
better condition for allowance, she is invited to contact the undersigned at the telephone number  
listed below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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